

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, November 19, 2008 – 2:00 p.m. – Room C450 State Capitol

Members Present:

Sen. Peter C. Knudson, Senate Chair
Rep. Douglas C. Aagard, House Chair
Sen. Gregory S. Bell
Sen. Brent H. Goodfellow
Rep. Ron Bigelow
Rep. DeMar Bud Bowman
Rep. Glenn A. Donnelson
Rep. Lorie D. Fowlke
Rep. Keith Grover
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. Eric K. Hutchings
Rep. John G. Mathis
Rep. Larry B. Wiley

Members Absent:

Pres. John L. Valentine
Rep. Curtis Oda

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Christopher R. Parker, Associate General Counsel
Ms. Chelsea Barrett, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Knudson called the meeting to order at 2:33 p.m.

MOTION: Rep. Donnelson moved to approve the minutes of the October 15, 2008 meeting. The motion passed unanimously with Sen. Goodfellow and Rep. Hutchings absent for the vote.

2. Open and Public Meetings Act Revisions -- Availability of Minutes (draft legislation)

Mr. Christensen explained that during the October meeting, the Committee approved, in concept, draft legislation but requested a change to provide an indication on certain released written minutes that the minutes have not been approved by the public body and are subject to change. He explained that the provision, as requested by Rep. Oda, was added to the draft legislation.

MOTION: Rep. Hendrickson moved to approve 2009 General Session draft legislation, "Open and Public Meetings Act Revisions" as a committee bill. The motion passed unanimously with Rep. Hutchings absent for the vote.

3. Online Voter Registration and Declaration of Candidacy Amendments (draft legislation)

Mr. Parker explained that during the September meeting, the Committee discussed online voter registration as a means to expand options for voter registration and reduce administrative burdens associated with paper registration forms. Capturing a required voter signature through driver license records was also discussed.

Mr. Michael Cragun, Office of the Lieutenant Governor, explained that the draft legislation would significantly help the county clerks with workload during the election period.

Chair Knudson asked the public for comment.

Ms. Kathy Dopp, U.S. Count Votes, expressed concerns with the security associated with this draft legislation.

MOTION: Rep. Bigelow moved to approve 2009 General Session draft legislation, "Online Voter Registration and Declaration of Candidacy Amendments" as a committee bill, with the amended language on line 55 changing "sent" to "send." The motion passed with Rep. Donnelson and Rep. Mathis voting in opposition.

4. Declaration of Candidacy Amendments (draft legislation)

Mr. Parker noted that during the June meeting, a representative of the Office of the Lieutenant Governor said that if Constitutional Amendment C passes, the start date of the 2009 General Session will be moved back from the third Monday to the fourth Monday in January. This would make the general session overlap the declaration of candidacy period for all candidates for the general election.

Mr. Cragun, Office of the Lieutenant Governor, distributed and explained "Amended Constitution and Current Statute Calender" and suggested changing the declaration of candidacy period back to ensure no conflicts with the general session dates.

MOTION: Chair Aagard moved to approve 2009 General Session draft legislation, "Declaration of Candidacy Amendments" as a committee bill. The motion passed unanimously.

5. Ballot Coordination Revisions and Optional By-Mail Elections for Local Districts (draft legislation)

Mr. Scott Hogensen, Association of County Clerks, explained that after study by the county clerks, two measures have been recommended for the Committee's consideration towards the goal of combining municipal and local district ballots.

Mr. Christensen explained 2009 General Session draft legislation, "Coordinating Municipal and Special District Elections" and noted that during the May and September meetings, the Committee discussed providing a single ballot on election day that would include all candidates and measures for which each voter is entitled to vote.

Mr. Parker explained 2009 General Session draft legislation, "Local and Special Service District Election Amendments." He explained that the draft legislation allows for local or special district citizens to vote by mail, if the district so chooses, by utilizing the absentee ballot.

Chair Knudson asked for public comment on this issue.

Ms. Dopp noted support for "Coordinating Municipal and Special District Elections" and strongly opposed the second bill, "Local and Special Service District Election Amendments," because of the possibility of the voting system becoming less secure.

Mr. LeGrand Bitter, Utah Association of Special Districts, explained that this request for draft legislation came from smaller districts in Utah as a result of challenges with voter participation. He explained that

this would add the necessary flexibility for voters in rural areas. Mr. Bitter suggested to the Committee to add a provision to the draft legislation that would include making an election unnecessary for candidates running unopposed.

MOTION: Chair Aagard moved to approve 2009 General Session draft legislation, "Coordinating Municipal and Special District Elections" as a committee bill. The motion passed unanimously with Sen. Bell, Rep. Bigelow, and Rep. Mathis absent for the vote.

MOTION: Chair Aagard moved to approve 2009 General Session draft legislation, "Local and Special Service District Election Amendments," with a request that amended language be prepared for the 2009 General Session to add a provision to eliminate election requirements when a candidate is running unopposed. The motion passed unanimously with Sen. Bell, Rep. Bieglow, and Rep. Mathis absent for the vote.

6. Election Law Changes from the County Clerks (draft legislation)

Mr. Christensen explained that during the August meeting, the Committee received a list of four suggested changes to the Election Code from representatives of the county clerks. Mr. Hogensen noted that the county clerks' support the draft legislation discussed in today's meeting.

Ms. Dopp, expressed support for the four pieces of draft legislation recommended by the Committee.

MOTION: Rep. Hendrickson moved to adopt 2009 General Session draft legislation, "Voter Challenge Amendments" as a committee bill. The motion passed unanimously with Rep. Bigelow, Sen. Bell, and Rep. Mathis absent for the vote.

Mr. Hogensen explained that ballot questions are becoming unnecessarily long and cumbersome for ballot logistics. Rep. Hutchings asked about the pros and cons of condensing the language on ballot questions.

MOTION: Rep. Hendrickson moved to adopt 2009 General Session draft legislation, "Ballot Question Amendments" as a committee bill. The motion passed unanimously with Sen. Bell and Rep. Bigelow absent for the vote.

Mr. Hogensen explained that 2009 General Session draft legislation, "Access to Voter Date of Birth Records" is favored, in concept, by the county clerks. But, he recommended the Committee not take action on this draft legislation until further research is conducted.

Mr. Hogenson noted that 2009 General Session draft legislation, "Early Voting Amendments" would significantly benefit the public and poll workers for counties that experience high volumes of voter turn out during election periods.

Chair Knudson asked for public comment on the issue.

Mr. Arie VanDeGraaf, Utah Association of Counties, noted his support for the draft legislation.

MOTION: Rep. Hendrickson moved to adopt 2009 General Session draft legislation, "Early Voting Amendments" as a committee bill. The motion passed with Chair Aagard voting in opposition. Sen. Bell and Rep. Bigelow were absent for the vote.

7. State Agency Requirements - Forms and Returned Mail (draft legislation)

Sen. Stowell noted that this bill originated because rural areas in Utah receive inconsistent home mail delivery from state agencies.

Mr. Mike Mower, State Planning Coordinator, Governor's Office of Planning and Budget, explained that his main concern is the unintended consequence with the Legislature enacting this program. He recommended to the Committee to suggest that a governor's directive be enforced to solve the issue. Mr. Mower acknowledge the need to create a distinction between mailing address and physical address on all state agency forms.

Ms. Pam Hendrickson, Tax Commission Chair, noted that changing forms would be a logistical challenge.

Chair Knudson requested that Sen. Stowell work with the Tax Commission and other executive branch departments in investigating this draft legislation further.

Chair Knudson asked for public comment on this topic.

Ms. Karen Silver, Salt Lake Community Action Program, Activist, noted her experiences with mailing and physical addresses and encouraged Sen. Stowell to amend the draft legislation to include a provision about obtaining correct and current information on addresses.

8. Other Items / Adjourn

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously with Sen. Bell absent for the vote.

Chair Knudson adjourned the meeting at 4:06 p.m.